

## REMARKS

Claims 1-26 are pending.

The present invention relates to a method of preventing fish from browning or darkening by treating whole fish that may or may not possess browning or darkening with an aqueous alkali solution of sodium hydroxide, potassium hydroxide, calcium hydroxide, calcium oxide, magnesium carbonate, ammonium carbonate, sodium carbonate, sodium hydrogen carbonate, potassium hydrogen carbonate, or combinations thereof.

The claimed method does not simply mask the browning or darkening that may be present on a fish. Rather, the darkening or browning disappears and/or is prevented from appearing as a result of the claimed method (see page 13, lines 6 to 8).

The rejections of the claims under 35 U.S.C. §102(b) and §103(a) over Bender et al., U.S. Patent No. 5,262,186, and Braid, U.S. Patent No. 4,060,644, are believed to be obviated by the amendments submitted above.

Bender et al. describe a process for treating fish and shellfish with a solution of trialkali metal orthophosphate to prevent the growth of microorganisms (see column 3, line 39). Bender et al. fail to describe treating a fish with a solution of sodium hydroxide, potassium hydroxide, calcium hydroxide, calcium oxide, magnesium carbonate, ammonium carbonate, sodium carbonate, sodium hydrogen carbonate, potassium hydrogen carbonate, or combinations thereof. Moreover, Bender et al. fail to suggest treating a fish with a solution of sodium hydroxide, potassium hydroxide, calcium hydroxide, calcium oxide, magnesium carbonate, ammonium carbonate, sodium carbonate, sodium hydrogen carbonate, potassium hydrogen carbonate, or combinations thereof. Therefore, Bender et al. fail to describe or suggest the claimed method.

Braid describes a process for bleaching dark fish meat in an undissolved state with a dilute aqueous solution of hydrogen peroxide. Braid describes the specific treatment of bleaching small pieces of fish such as flakes, or macerated meat, after the filleting of white fish in order to obtain substantially evenly bleached fish meat (see column 3, lines 32 to 34). Braid fails to describe that whole fish can be treated. In fact, Braid discloses:

“In consequence, in order to obtain substantially evenly bleached fish meat, we prefer to use relatively small pieces such as flakes, or macerated meat because of the high surface area to volume ratio” (see column 3, lines 30 to 34).

Having the reference in hand, one skilled in the art would determine that the whole fish would have the lowest surface area to volume ratio compared to pieces of the whole fish. Therefore, Braid fails to suggest bleaching whole fish. Accordingly, Braid fails to describe or suggest the claimed invention.

Applicants respectfully request withdrawal of these grounds of rejection because both Bender et al. and Braid fail to anticipate and render obvious the claimed method.

The rejection of Claims 1-6 under 35 U.S.C. §103 over Japanese Patent Abstract 11089543 (JP ‘543) is believed to be obviated by the amendments submitted above.

JP ‘543 describes a method for coloring a naked body of a crustacean the color red using an alkaline aqueous solution at pH 10 to 14. This method merely masks the dark color present on the crustacean’s naked body. JP ‘543 fails to describe treating fish in any form whatsoever. Further, JP ‘543 fails to describe a method of preventing a fish from darkening or browning. JP ‘543 fails to suggest that a method of coloring a crustacean red can prevent fish from darkening or browning. Therefore, one reading JP ‘543 would have no reason to expect that treating fish with an alkaline solution would prevent the fish from darkening or

browning. Accordingly, the reference fails to suggest the claimed method. In fact, one with the reference in hand might even expect that treating fish as described by JP '543 would actually cause the fish to turn red and not to prevent the fish from darkening or browning. Withdrawal of this ground of rejection is respectfully requested.

The rejection of Claims 1-6 under 35 U.S.C. § 112, second paragraph, is believed to be obviated by the amendments submitted above.

In Claims 1, 2, 5, and 6, "the browning or darkening" has been replaced by --browning or darkening--.

In Claims 3-6, the recitation of "small fish" has been replaced by --fry--. The definition of --fry-- is well known as evidenced by Webster's Third New International Dictionary which defines the term as:

"young or recently hatched fishes" or  
"very small adult fishes" (see page 917).

One skilled in the art will readily understand the commonly known and generally accepted definition of --fry-- submitted herewith. Further, one skilled in the art will readily understand from the specification and the definition of --fry-- submitted herewith that --fry-- is intended to define a whole fish.

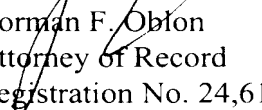
Based on the foregoing, the claims are definite within the meaning of 35 U.S.C. § 112, second paragraph. Withdrawal of this ground of rejection is respectfully requested.

The dependent claims further distinguish the claimed method from the cited references. For example, Claims 20-25 specify that the aqueous alkali solution does not contain hydrogen peroxide.

Applicants submit that this application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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IN THE CLAIMS

1. (Amended) A method of preventing whole fish from [the] browning or darkening, which comprises treating the whole fish with an aqueous alkali solution of a compound selected from the group consisting of sodium hydroxide, potassium hydroxide, calcium hydroxide, calcium oxide, magnesium carbonate, ammonium carbonate, sodium carbonate, sodium hydrogen carbonate, potassium hydrogen carbonate, and combinations thereof and then washing off or neutralizing the aqueous alkali solution attached to the treated whole fish.

2. (Amended) A method of preparing whole fish protected from [the] browning or darkening, which comprises treating the whole fish with an aqueous alkali solution of a compound selected from the group consisting of sodium hydroxide, potassium hydroxide, calcium hydroxide, calcium oxide, magnesium carbonate, ammonium carbonate, sodium carbonate, sodium hydrogen carbonate, potassium hydrogen carbonate, and combinations thereof and then washing off or neutralizing the aqueous alkali solution attached to the treated whole fish.

3. (Amended) A method of preparing a food containing [raw, small fish,] raw fry which comprises treating the [raw, small fish] raw fry with an aqueous alkali solution of a compound selected from the group consisting of sodium hydroxide, potassium hydroxide, calcium hydroxide, calcium oxide, magnesium carbonate, ammonium carbonate, sodium

carbonate, sodium hydrogen carbonate, potassium hydrogen carbonate, and combinations thereof, then washing off or neutralizing the aqueous alkali solution attached to the treated [fish] fry, and treating the [fish] fry with a seasoning.

4. (Amended) A food containing [raw, small fish,] raw fry which is prepared by treating the [raw, small fish] raw fry with an aqueous alkali solution of a compound selected from the group consisting of sodium hydroxide, potassium hydroxide, calcium hydroxide, calcium oxide, magnesium carbonate, ammonium carbonate, sodium carbonate, sodium hydrogen carbonate, potassium hydrogen carbonate, and combinations thereof to prevent darkening or browning of the raw fry, then washing off or neutralizing the aqueous alkali solution attached to the treated, [raw, small fish,] raw fry and treating the [fish] fry with a seasoning.

5. (Amended) A method of preparing [small fish] fry free from [the] browning or darkening from browned or darkened raw fry, [small fish,] which comprises treating the browned or darkened [fish] fry with an aqueous alkali solution of a compound selected from the group consisting of sodium hydroxide, potassium hydroxide, calcium hydroxide, calcium oxide, magnesium carbonate, ammonium carbonate, sodium carbonate, sodium hydrogen carbonate, potassium hydrogen carbonate, and combinations thereof and then washing off or neutralizing the aqueous alkali solution attached to the [fish] fry.

6. (Amended) [Small fish] Fry free from [the] browning or darkening, which are obtained by treating browned or darkened [small fish] raw fry with an aqueous alkali solution of a compound selected from the group consisting of sodium hydroxide, potassium hydroxide, calcium hydroxide, calcium oxide, magnesium carbonate, ammonium carbonate, sodium carbonate, sodium hydrogen carbonate, potassium hydrogen carbonate, and

combinations thereof and then washing off or neutralizing the aqueous alkali solution attached to the treated [small fish] raw fry.--

Claims 7-26 have been added.

